

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE: AUTOMOTIVE WIRE HARNESS	§	CASE NO. 12-MD-02311
SYSTEM ANTITRUST LITIGATION	§	
	§	HON. MARIANNE O. BATTANI
MDL NO. 2311	§	
-----	§	

**APPLICATION FOR APPOINTMENT OF CO-LEAD COUNSEL OF DANIEL E. BECNEL,
JR., HUGH LAMBERT AND JOHN F. NEVARES**

This is a joint application for Co-Lead Counsel by the three of us; however, should the Court only want to pick one Lead Counsel from our group, it is understood that we will work together as one. The following cases have been filed by us in the Wire Harness Litigation: *Crespo v. Delphi Automotive, LLP*, District of Puerto Rico, Civil Action No. 3:11-cv-02176; *Crespo v. Yazaki Corporation, et al*, District of Puerto Rico, Civil Action No. 3:12-cv-01075; *Diaz v. Yazaki Corporation, et al*, District of Puerto Rico, Civil Action No. 3:12-cv-01076; *Maldonado v. Denso Corporation, et al*, District of Puerto Rico, Civil Action No. 3:12-cv-01077; *Sirmon, et al v. Delphi Automotive, LLP*, et al, Southern District of Alabama, Civil Action No. 1:11-cv-00696; and *Brock, et al v. Delphi Automotive, LLP, et al*, Eastern District of Louisiana, Civil Action No. 2:12-cv-00003.

This joint application represents a great deal of legal experience in the field of Automotive Liability Litigation. I will address each of the individual lawyers individually and will begin with my application.

Daniel E. Becnel, Jr.

Our firm hereby represents that I and the Becnel Law Firm, LLC, have and will commit the ample resources necessary to prosecute this litigation, will work cooperatively with the other attorneys involved in this litigation, and have experience in complex litigation involving product liability, mass torts, class actions, automotive cases and antitrust.

In 1969, I obtained a juris doctor degree from Loyola Law School, and am admitted to all

Louisiana state courts, and federal courts for the Eastern, Western and Middle Districts of Louisiana and U.S. Fifth Circuit Courts of Appeal, U.S. Supreme Court as well as numerous other Federal Courts nationwide and the State of Colorado.

Over the years, I have been appointed to numerous leadership positions, liaison counsel positions and PSC positions in the following MDL's: MDL No. 330 – Swine Flu; MDL No. 1038 – Norplant; MDL No. 1057 – Telectronics; MDL No. 1148 – Latex Gloves; MDL No. 1203 – Diet Drugs; MDL No. 1355 – Propulsid; MDL No. 1401 – Sulzer; MDL No. 1431 – Baycol; MDL No. 1477 – Serzone; MDL No. 1431; Neurontin; MDL No. 1632 – High Sulfur Gasoline; MDL No. 1691 – Bextra; MDL No. 1708 – Guidant; MDL No. 1726 – Medtronic; MDL No. 1724 – Viagra; MDL No. 1742 – Ortho Evra; MDL 1785 – Bausch & Lomb; MDL No. 2100 – Yasmin/Yaz; MDL No. 2220 – Kaba Lock; MDL No. 2223 – Navistar; MDL No. 2226 – Darvocet; MDL No. 1535 – Welding Rods; MDL No. 2047 – Chinese Drywall; and MDL No. 2068 – Light Cigarettes.

Specifically, in connection with the automotive cases, I have been appointed lead and/or liaison counsel in the following: MDL No. 991 – Ford Motor Company Bronco II; MDL No. 1001 Ford Motor Co. Vehicle Paint Litigation; MDL No. 1063 – Chrysler Defective Paint Litigation; MDL No. 1392 – General Motors Paint Litigation; MDL No. 1718 – Ford Motor Co. Speed Control Deactivities Switch. Of particular importance is the fact that the Congress and the U.S. former Chairman of Commerce and Industry, Billy Tauzin, requested my help with various experts in the congressional hearings on the Bridgestone/Firestone Tire Litigation. Again, when the Toyota Sudden Acceleration Automotive problem occurred, Congressmen Henry Waxman, requested that I assist the Congress with providing experts to the Commerce and Energy Committee. In fact, I provided numerous experts, including Dr. Michal Pecht, who had written books on the subject years before the Toyota sudden acceleration problem developed.

In addition to the above automotive cases, of particular importance is the fact that I was

asked by 45 corporate Japanese companies and 15 universities to help craft a product liability law for Japan in Fukuoka, Japan, September 30 – October 2, 1996. The Japan Society of Mechanical Engineers Materials and Mechanics Division was formed in November of 1994 as a forum to help create Japan's new product liability law. Among a few of the major companies were Honda, Isuzu, Komatsu, Mitsubishi, Nissan, Suzuki and Toyota. I have also taught courses in product liability at the Technical Institute in Vienna, Austria.

As Co-Lead Counsel in the recent antitrust litigation, MDL No. 1960 – Cabotage, we were able to resolve this case after extensive motion practice and hearings with multiple defendants and multiple plaintiffs.

Among the qualifications the Court should look to, aside from MDL cases, are the following. I personally litigated the first million dollar verdict in the south shortly after receiving my law degree from Loyola. I have been involved in major complex cases such as the Ferry Frosta disaster which killed 76 people and injured 15. Still the largest maritime disaster in the U.S., the matter was tried and/or settled by U.S. District Judge Alvin Rubin within one year.

I also recently tried, as Lead Counsel, the Mother's Day Bus Crash which killed 24 and injured 17 people. This was tried and/or settled to verdict in both state court and federal court and was argued numerous times before the state appellate court and U.S. Supreme Court.

Additionally, I was involved in the Shell Norco Explosion which killed 7 and injured hundreds which settled for over \$200 million after five years of active litigation. I handled the largest ammonia disaster in the U.S., the claims process in the largest chlorine disaster in the U.S. in Graniteville, South Carolina and was involved in a tank car release in Bogalusa resulting in a \$95 million verdict. I was also one of the leaders of the Breast Implant Litigation taking the deposition of the CEO of Dow Corning and managing 35 lawyers for document review. I handled the document depositories in numerous complex cases and MDL's, including the Kaiser Explosion; the Norplant

case; the Ford Ignition case and the Paint Failure cases to name a few.

Since dealing with mass tort cases for over 42 years and my father's death from cigarette smoking at age 57, after serving as a War Prosecutor in Germany and Japan, two other attorneys and myself came up with the idea and organization for taking on the Tobacco Industry (the Castano case). I took many of the major depositions in the Pennsylvania, Louisiana and California litigations. This resulted in the largest settlement in the U.S. of any litigation, over \$300 billion.

I have been involved in major tire defective cases, such as Toyo tires, Goodyear tires and Firestone tires which have killed or injured numerous people in various accidents. All of these cases were tried and or settled shortly after trials began.

In March, I tried a major case before Judge Carl Barbier against the V.A. using numerous medical experts, including Toxicologists and Cardiologists, to a successful verdict in a 43 page Opinion.

Most recently, I took major depositions only a few weeks ago in Madrid, Spain on 40 oil tanks which exploded in Puerto Rico injuring thousands and closing the Puerto Rico airport for days. I have taken depositions in Paris, Amsterdam, Brussels, London and Vienna, to name a few. My office has referral lawyers all over the U.S. who refer cases to me including drugs cases, ship collisions, medical devices, automobile cases, antitrust cases and the like. Only two weeks ago I was asked to lecture at a legal seminar at Loyola Law School entitled "Lions of the Bar" which included myself and Arthur A. Buddy Lemmon, III (see attached). I was asked to deliver a lecture at the 52nd Annual Conference for the American College of Legal Medicine on Saturday, February 25, 2012. I have spoken at seminars my entire career throughout the country on complex litigation, products liability, antitrust and drug cases.

My wife, Mary Hotard Becnel has been a state court judge for over 19 years and is on the Board of Directors of the NAWJ and has served in that position for years and is organizing the

conference for New Orleans next year. My son, Bradley Douglas Becnel, also an attorney, has worked for President Bill Clinton in the West Wing and has served as Lead Advance and Special Assistant to President Obama for over three years. Only last week, during his week off, he was asked to handle pro bono President Clinton's fundraising event in Columbia, South America for his fund to help the people of Haiti. My son, Daniel E. Becnel, III, has practiced law with me for 21 years and his wife, Kathryn Becnel served as Assistant U.S. Attorney for years and now practices with my firm. My son, Christopher Devon Becnel and his wife are both attorneys and work with me. They both have served in Washington as legislative assistants for over five years to Senator Landrieu and several congressmen prior to joining my firm. Many of the lawyers in my firm have served as state and federal law clerks.

As pro bono is important to any lawyer, I personally represent 61,000 people in the Levee Failure case and was complimented by Judge Stanwood Duval for handling those cases which are pending before the U.S. Fifth Circuit Court of Appeals.

Recently, Judge Heyburn, Chairman of the Judicial Panel on Multidistrict Litigation, asked me to participate in a study of MDL's being conducted by Professor Francis McGovern. Over the years I have personally argued more cases before the MDL Panel than almost any other lawyer. Almost all of the MDL's that have been sent to New Orleans were argued by me before the Panel: Vioxx, Chinese Drywall; Propulsid; FEMA Trailer cases; BP Oil Spill Disaster; Chrysler, Ford and GM Automotive cases; Product Liability cases, etc.

I have been an active member in the ABA for years and when the Eastern European countries were finally freed, my wife and I hosted many of the newly appointed judges in many of the Eastern European countries to teach them the American judicial system. Matt Moreland, in our office, has been president of the largest Federal Bar Association and serves on the Board of Directors of the Federal Bar nationally. Many of the lawyers in my office have been either federal or state judicial

law clerks prior to working for me.

Among the major achievements in my career is the fact that although I am an experienced trial lawyer, I have always attempted to utilize settlement techniques such as summary jury trials, mediation and the like. In fact, many of the cases I have been involved in over my career have settled for billions – Breast Implant \$7.2 billion, Diet Drug \$22 billion, Vioxx \$4.85 billion, Baycol \$1.7 billion and Bextra/Celebrex \$750 million.

In Chinese Drywall, the lead plaintiff was my client, Coach Sean Payton of the New Orleans Saints and we were able to utilize a Pilot Program that Judge Eldon Fallon helped create which resulted in settlement of over a billion dollars for the victims of Chinese Drywall.

There are many fine lawyers throughout the country that can handle this case and the Court should utilize as many as possible. I know a lot of fine lawyers will make an application and I have no criticism of any of them.

Our firm has the financial capability as well as the personnel and expert resources to handle this litigation to completion.

Hugh P. Lambert

Hugh P. Lambert, Esq. is senior Partner in the Law Firm of Lambert & Nelson, PLC, established in 1977. The Firm practices toxic tort, environmental, mass torts, class action, personal injury, maritime, offshore, products liability, aviation, pharmaceutical, consumer fraud and commercial litigation matters. The firm's attorneys are Hugh P. Lambert, Candice C. Sirmon, and Cayce C. Peterson with a support staff of paralegals, secretaries, and others.

Hugh P. Lambert, Esq. graduated from the University of Michigan, School of Engineering in 1969. He worked as a production process engineer for General Motors Corporation at the Willow Run Facility in Ypsilanti, Michigan for seven years designing production processes and implementing computer analysis of manufacturing lines. His

automotive company experience also included line management positions and union contract issues, as well as, engineering management experience. He entered Loyola University School of Law in New Orleans, Louisiana and graduated in 1973.

While attending Loyola Law School, he was an Editor of the Loyola Law Review, author of "Environmental Law: Qui Tam Actions Under the Refuse Act", Loyola Law Review, Volume XVII (1971), and a member of the Blue Key Honor Society. After law school, Mr. Lambert was the Law Clerk to the Honorable Judge R. Blake West, United States District Court, Eastern District of Louisiana. He then entered private practice employed as trial counsel with the Law Offices of Frederick J. Gisevius.

Hugh P. Lambert, Esq. participated as co-counsel in Anthony Talalai, et al v. Cooper Tire & Rubber Co. in Superior Court, Middlesex County, New Jersey before the Honorable Judge Marina Corodemus. The settlement was valued by the court at over \$1 billion (\$1,000,000,000.00) in benefits to class members. Hugh P. Lambert, Esq. was also instrumental in the litigation and settlement of the matter entitled Kent Acosta, et al v. Georgia Gulf Corporation, et al in the United States District Court, Middle District of Louisiana which was resolved for an amount in excess of One Hundred Fifty Million Dollars (\$150,000,000.00).

Additionally, Lambert & Nelson, PLC was one of five (5) class counsel in the matter entitled Gracie S. Atkins, et al v. Harsco Chemicals, Inc. The claim, which has been resolved and fully disbursed, involved a New Orleans area pesticide plant and involved approximately 3,800 claimants. It was resolved for an amount in excess of Fifty One Million Dollars (\$51,000,000.00).

Hugh P. Lambert has also served as lead trial counsel in other large toxic tort claims in Tennessee and Mississippi. Hugh Lambert, Esq. served as liaison counsel in the M/V

Brightfield/ Riverwalk disaster having been appointed by Chief Judge Morey L. Sear, United States District Court, Eastern District of Louisiana, in that capacity.

Hugh P. Lambert served as co-lead counsel in multi-district litigation involving cases filed in nine states in connection with a products liability action concerning Push-In Electrical Receptacles.

Hugh P. Lambert served as Chair of the Science and Expert Committee in the matter entitled Patrick Turner, et al v. Murphy Oil USA, Inc., United States District Court for the Eastern District of Louisiana, Case No. 05-4206 and was asked to take a large role in the Class Certification Hearing recently conducted in United States District Court for the Eastern District of Louisiana on January 12-13, 2006. This matter was resolved for Three Hundred Thirty Million Dollars (\$330,000,000.00) plus Thirty-Three Million Seven Hundred Forty-Six Thousand Two Hundred Forty-One Dollars and Eighty-Eight Cents (\$33,746,241.88) in attorneys' fees.

Lambert and Nelson, PLC is also serving as one of the seven (7) firms on the Plaintiffs' Master Committee in the In Re: Katrina Canal Breaches Consolidated Litigation currently pending before the Honorable Judge Stanwood Duval in the Eastern District of Louisiana.

Hugh P. Lambert is also currently serving on the Plaintiffs' Steering Committee for the In Re: Chinese-Manufactured Drywall Products Liability Litigation, MDL No. 2047 in the United States District Court for the Eastern District of Louisiana appointed by the Honorable Judge Eldon E. Fallon.

Hugh Lambert is currently Senior Partner in the law firm of Lambert & Nelson, PLC. Mr. Lambert is a member of the State and Federal Bar Associations in Louisiana (LA Bar No. 7933), as well as the State of Michigan (MI Bar No. P23567). He has practiced Pro Hac Vice in the states of Alabama, Arizona, California, Illinois, Maine, Maryland, Mississippi, New Jersey,

North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, Texas, Tennessee, and West Virginia. He is a member of the Louisiana State Bar Association, Louisiana Trial Lawyers Association (Council of Directors), Federal Bar Association, American Bar Association, American Trial Lawyers Association - President's Club Member, State Bar of Michigan, Aircraft Owners and Pilots Association and the National Transportation and Safety Board Bar Association - Aviation section. Additionally, Hugh is a commercially rated pilot with an airplane multi-engine instrument jet rating.

John F. Nevares

John F. Nevares was born in San Juan, Puerto Rico, July 12, 1955. He earned his bachelor of Arts at Boston College in 1977 graduating Cum Laude and his J.D. at Interamerican University in 1980 and an LL.M. in Admiralty from Tulane University in 1981. He was admitted to the Puerto Rico bar in 1980 and admitted thereafter to the bars of Louisiana, the United States Supreme Court, United States Court of Appeals for the First and Fifth Circuits, and the United States District Courts for the Eastern and Middle Districts of Louisiana and Puerto Rico. He is a member of Comité Maritime International and Maritime Law Association of the United States and the Puerto Rico, Louisiana and American Bar Associations. He is fluent in both English and Spanish.

Mr. Nevares started his practice in New Orleans, Louisiana at the law firm Phelps Dunbar where he worked under the direction of John Sims in a number of different cases. Thereafter, he accepted an offer from Mr. George Frilot from Lemle & Kelleher to work there. While at Lemle & Kelleher, Mr. Nevares was involved in

the sinking of an ODECO platform in the North Sea which killed 72 crewmen as well as the "Hot Coal" cases where the coal onboard vessels would self ignite causing partial or total destruction of the vessels.

Since 1988, Mr. Nevares has been involved in a number of MDL cases starting with the In re: Dupont Fire Litigation where 82 guests were killed at the Sheraton Hotel in Puerto Rico. In that case, he represented twenty (20) defendants. In 1995, Mr. Nevares started filing MDL cases. For example, Mr. Nevares was involved in the Synthroid MDL Litigation, Vitamins MDL Litigation, Cooper Tire MDL Litigation, Guidant MDL Litigation, Viagra MDL Litigation, Ortho Evra Litigation, ReNu MDL Litigation, Avandia MDL Litigation, Medtronic MDL Litigation, In Re: iPhone/iPad Application Consumer Privacy Litigation, Toyota Motor Corp. MDL Litigation, DePuy Orthopedics MDL Litigation, Navistar Diesel Engine Products Liability Litigation, MDL No. 2223 and Puerto Rico Cabotage Litigation MDL No. 1960 where he was liaison counsel for the PSC.

Mr. Nevares returned to Puerto Rico in 1986 and worked at the Department of Justice of Puerto Rico. He was trial counsel in the grounding of the M/V Regina, an Italian built ferry carrying passengers and automobiles that grounded off Mona Island between the Dominican Republic and Puerto Rico. Mr. Nevares broke limitation of liability and Federal Judge Laffitte ordered the removal of the vessel at a cost of approximately \$12 million.

In 1988, Mr. Nevares was counsel for Global Marine in a collision between the

M/V Irving Forest and Offshore Platform Glomar Labrador. This case settled for \$13 million.

In 1993 Mr. Nevares opened his own law practice and continued to work as outside counsel for the Department of Justice under the direction of now Resident Commissioner Pedro Pierluisi and Angel Rotger, Esq. In 1994, Mr. Nevares was trial counsel for the Department of Justice in the grounding of T/B Morris Berman off the North Coast of San Juan which spilled one million gallons of bunker "C" oil. After two appeals to the United States Court of Appeals for the First Circuit, the case settled for \$25 million.

In 2007, Mr. Nevares and GSK settled a commercial class action for \$30 million insofar as it involved defective SOP in the manufacturing of Paxil CR. Mr. Nevares has been involved in numerous cases but the ones discussed above are probably his more memorable.

Mr. Nevares is dedicated to the representation of those unjustly treated, especially those less fortunate to not have a complete grasp of the English language. It is this bilingual ability and dedication to the Hispanic that he feels a necessary attribute to the Co-Lead Counsel Position as it provides a wide range of support and involvement for all walks of life who may have been injured or suffered loss as a result of these products and the alleged collusion.

While all of these firm have the financial capability as well as the personnel and expert resources to handle this litigation to completion, it is the combined resources and experience that we

believe would be essential to a Co-Lead Counsel position and the resolution of this MDL.

Respectfully submitted,

/s/ Daniel E. Becnel, Jr.
DANIEL E. BECNEL, JR (#2926)
BECNEL LAW FIRM, LLC
P. O. Drawer H
106 West Seventh Street
Reserve, LA 70084
Telephone (985) 536-1186
Facsimile (985) 536-6445